

NOTICE OF TYPE III DEVELOPMENT REVIEW APPLICATION AND PUBLIC HEARING

(Form DS1308)



The Department of Community Development has received an application for development review, as described below. This application is subject to public notice and public hearing pursuant to Clark County Code (CCC) Chapter 40.510 and applicable code sections as listed below.

The Clark County Hearings Examiner will conduct the public hearing on **November 9, 2004 at 7:00 P.M.**, at **Public Service Center, 1300 Franklin St., Vancouver, Washington, Sixth Floor Suite 680** (see attached map). Parking is available in the parking garage on the north side of the Public Service Center (access off Franklin St.) after 6pm.

At the hearing, the Examiner will consider the following:

Project Name:	FALCON'S REST PUD SUBDIVISION	
Case Number:	PLD2004-00067; PUD2004-00003; SEP2004-00123; BLA2004-00043; EVR2004-00060; MZR2004-00138	
Location:	Corner of NW 122 nd Street and NW 36 th Avenue	
Request:	The applicant is requesting to subdivide an approximate 6.24-acre parcel into 73 single-family residential lots located in the R1-18 and R1-7.5 zone districts. The applicant is also proposing a Planned Unit Development.	
Applicant:	Braemark, LLC PO Box 10624 Portland, OR 97296 (503) 317-2505; (503) 283-8977 FAX	
Contact Person:	Olson Engineering Attn: Camille Goodin 1111 Broadway Vancouver, WA 98660	
Property Owner:	Braemark, LLC PO Box 10624	Deborah Shorten 2835 SE Tolman Street

Portland, OR 97296
(503) 317-2505

Portland, OR 97202
(503) 777-1836

Estate of Ronald McIrvine
PO Box 484
Wrangell, AK, 99929
(503) 777-1836

John Bannan
3805 NW 122nd Street
Vancouver, WA 98685
(360) 513-5735

Hearings Examiner: Richard Forester

Staff Contact: Michael Uduk, (360) 397-2375 ext. 4385

Neighborhood

Contact: Felida Neighborhood Association
Michele Cotner, President
3711 NW 134th Circle
Vancouver, WA 98685

Legal Description of Property:

The intersection of NW 36th Avenue and NW122nd Street, a portion of Tax Lot 13 (187767) and a portion of Tax Lot 76 (188267), in the SE ¼ of Section 29, Township 3 North, Range 1 East of the Willamette Meridian.

Approval Standards/Applicable Law:

Clark County Code Chapters; 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.540.040 (Subdivisions); 40.520.020 (Review and Approval); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws)

Application & Fully Complete Date:

Application Filed: 07/30/2004

Fully Complete: 08/31/2004

SEPA Appeal Process:

In accordance with the State Environmental Policy Act (SEPA) and Clark County Code 40.570, the County must determine if there are significant environmental impacts associated with this request. The County will review the applicant's submitted SEPA checklist and make a determination in the combined Development Review Staff Report and SEPA Checklist Review to be issued at least fifteen (15) calendar days prior to the hearing.

A Determination of Non-significance (DNS) indicates that identified impacts can be adequately addressed with the application of existing County Codes and development

standards. A Mitigated Determination of Non-significance (MDNS) indicates that identified impacts can be adequately addressed with conditions of approval.

Procedural or substantive appeals of a Determination of Non-Significance (DNS) or a Mitigated Determination of Non-Significance (MDNS) must be filed in writing with the County within fourteen (14) calendar days of the date the SEPA Determination is issued. There is no SEPA appeal fee for Type III reviews. SEPA appeals will be considered by the Hearings Examiner at the scheduled public hearing noted above, and decided in the subsequent written decision.

Issues of compliance with existing adopted approval standards and criteria can be addressed in the public hearing without an appeal of the SEPA determination.

Staff Report Timelines/Process:

Staff reports, agendas, and/or SEPA reviews and determinations will be available for review at least fifteen (15) calendar days before the hearing date. Information regarding this application may be obtained by contacting **Michael Uduk at (360) 397-2375, Ext. 4385** at the Clark County Development Services Division, 1300 Franklin Street, Vancouver, Washington. Office hours are from 8:00-5:00 p.m., Monday - Friday.

Comments received by September 28, 2004 will be considered in the Staff Report.

Public Testimony Process:

Any person wishing to present testimony should arrive by **7:00 p.m.** at the Public Service Center, 6th floor, 1300 Franklin Street, Vancouver, Washington.

Faxed & Written Testimony

Testimony can be faxed to the Development Services Division at (360) 397-2011, Attn: Rosie Hsiao. Written testimony can be mailed or hand delivered to the Development Services Division, Clark County Community Development, 1300 Franklin Street, PO Box 9810 Vancouver, WA 98666-9810.

Faxed, mailed or delivered testimony must be received at the Community Development Customer Service Center by **1:00 P.M., the day of the hearing**. Other written or verbal testimony may be presented and considered at the public hearing.

Note: If an accurate mailing address for those submitting comment is not included, they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

Appeal Process:

The Hearing Examiner normally issues a decision within two weeks of the public hearing. In accordance with Clark County Code 40.510.030 (H), appeals of Hearing Examiner decisions must be filed with the Board of County Commissioners within fourteen (14) days of the mailing of the Hearing Examiner's written decision. Hearings

Examiner decisions on any SEPA appeal cannot be further appealed to the Board of County Commissioners. Such appeals must pursue judicial review.

Appeals must be in writing and contain a brief statement describing why the Hearing Examiner's decision is in error. The appeal must be accompanied by check in the amount of **\$279**. Checks shall be made payable to the Board of County Commissioners.

Accommodation of Physical Impairments:

The Customer Service Center is wheelchair accessible. For persons requiring auxiliary aids or special arrangements in order to participate in this hearing, please contact the Development Services Division as far in advance of the hearing date as possible. To request these arrangements, please contact Rosie Hsiao at (360) 397-2375, Ext. 4335, or call the Telecommunications Device for the Deaf (TDD) line at (360) 397-6057.

Date of This Notice: September 14, 2004

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**